



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

December 1, 2020

Dear Maryland Hospital CEOs and Presidents:

Please give Maryland's thanks to the thousands of dedicated hospital healthcare personnel who have worked tirelessly for months to help thousands of Marylanders stricken with COVID-19. Hospitals and their staff are the cornerstone of our Maryland Strong recovery effort.

By working together, we expect every hospital to be able to provide a bed to an ill Marylander who needs medical attention. As you are aware, there is an overwhelming need for trained health care personnel across the state, especially in our hospitals and nursing homes. We expect, and strongly urge, every hospital to make use of the Board of Nursing's March COVID-19 flexibilities to use unlicensed individuals as health care extenders and to perform nursing tasks with appropriate training. We strongly recommend including all healthcare providers as you increase your staffed hospital bed capacity in the coming days and weeks.

Every hospital should use the state's centralized staffing resources - www.MarylandMedNow.com and [the Chesapeake Registry](http://theChesapeakeRegistry.com) to help address their staffing needs and to take necessary steps to use community health workers, all available healthcare staff, and willing and able students and volunteers to ensure that hospitalized Marylanders have the appropriate clinical attention that they need to overcome COVID-19.

If you have any questions, please do not hesitate to reach out to me or Webster Ye, Director of MDH Governmental Affairs at webster.ye@maryland.gov.

Sincerely,

Dennis R. Schrader
Chief Operating Officer

Cc: Bob Atlas, CEO, MD Hospital Association



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

PUBLIC NOTICE

This notice is given by Gary Hicks, President of the Maryland Board of Nursing (the “Board”), on behalf of the Board, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020 proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 16, 2020 entitled “Relating to Various Health Care Matters,” as it may be amended from time to time, after finding that the actions described herein will not endanger the public health, welfare, or safety.

- 1) COMAR 10.27.01.03.A.(3) permits registered nurses (RN) and licensed practical nurses (LPN) who hold a current active license in any other state or jurisdiction to render nursing care in Maryland during an emergency situation for not more than 30 days. The 30-day limitation is suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 2) Inactive licensees must apply to the Board for reactivation of the license, but will not be required to meet the minimum qualifications under § 8-309(d)(1)(i) of the Health Occupations Article, Annotated Code of Maryland (“Health Occ.”) or COMAR 10.27.01.14.C.(1) and (2)(b) for reactivation of the license:
 - a. During the state of emergency and catastrophic health emergency;
 - b. While working at a health care facility in Maryland; and
 - c. If the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.

SPECIAL NOTE REGARDING MEDICAL INACTIVE: Inactive licensees who were placed on inactive status under Health Occ., § 8-309(b)(1)(iii) because of a medical condition that prevented the licensee from practicing as an RN or LPN will still be required to provide documentation with their reactivation application that the medical condition for which the inactive status was granted no longer exists.

- 3) A Nursing Graduate (a graduate of a Board-approved nursing or licensed practical nursing education program, or an out-of-State nursing education program determined

to be equivalent by the Board) may practice nursing without a license in Maryland, in accordance with the requirements under COMAR 10.27.01.03.C.(3)-(7), for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of COMAR 10.27.01.03.C.(2), which limits the amount of time a Nursing Graduate may practice nursing in Maryland before being licensed, until the state of emergency is terminated and the catastrophic health emergency is rescinded.

- 4) RNs and LPNs may delegate nursing tasks to unlicensed individuals, in accordance with the requirements under COMAR 10.27.11.01-.06, for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of Health Occ., § 8-6A-02(c) and COMAR 10.27.11.01.G and 10.27.11.05.E, which prohibit delegation of nursing tasks to an unlicensed individual if acceptance of delegated nursing tasks becomes a routine part of the unlicensed individual's job duties, until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 5) The language in COMAR 10.27.11.04.C requiring a delegating nurse case manager to perform a supervisory on-site visit to the client every 45 days shall be modified to every 60 days during the state of emergency. This modification shall end upon termination of the state of emergency and catastrophic health emergency.

Any effect of Title 8 of the Health Occupations Article and the implementing regulations in COMAR 10.27 and 10.39 that is inconsistent with the foregoing is temporarily suspended.

This Notice is effective immediately and shall remain in effect until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.



Date March 24, 2020

Gary Hicks, MS, RN, CEN, CNE
President
Maryland State Board of Nursing

PLEASE BE ADVISED: The suspension and/or modification of statutes and regulations during the state of emergency and catastrophic health emergency, as approved by the Board in this public notice, and as proclaimed by the Governor in the March 16, 2020 Executive Order "Relating to Various Health Care Matters," will not be considered as a basis for making these temporary changes permanent.



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Dear Licensee/Certificate Holder:

This communication is to inform you about some of the measures that Governor Hogan and the Board of Nursing have taken to reinforce and extend nursing workforce capacity in Maryland to meet the anticipated increase in demand for nursing care during the COVID-19 pandemic and National State of Emergency. Although this communication is lengthy, please read it in full, as it contains important information.

Governor Hogan issued 2 Executive Orders that affect the Board's licensees, on March 12th <https://governor.maryland.gov/wp-content/uploads/2020/03/Licenses-Permits-Registration.pdf> and 16th <https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>. On March 20th, the Board met in an open meeting and took actions to suspend or modify the effect of certain provisions of Title 8 of the Health Occupations Article and regulations in COMAR 10.27, in accordance with the Executive Orders. <https://mbon.maryland.gov/Pages/covid-19-executive-orders.aspx>. The following is a summary of the provisions of the Executive Orders and the Board's actions.

I. March 12, 2020 Executive Order.

This Executive Order is entitled "Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements." <https://governor.maryland.gov/wp-content/uploads/2020/03/Licenses-Permits-Registration.pdf>.

Expiration Date of License or Certificate. This Executive Order:

- Delays the expiration date of all licenses, certificates, permits, registrations, or other authorizations issued by the State of Maryland that would otherwise expire during the state of emergency and be renewable during the state of emergency; and
- Extends the expiration date of such licenses, certificates, permits, registrations, and authorizations automatically to the 30th day after the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- If your license or certificate is due to expire during the state of emergency, then the expiration date is automatically postponed until 30 days after the state of emergency is terminated, so you may continue to practice during the state of emergency. You will not be expected to meet renewal requirements until 30 days after the state of emergency is terminated.

II. March 16, 2020 Executive Order.

This Executive Order is entitled "Relating to Various Health Care Matters."

<https://governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Health-Care-Matters.pdf>.

License or Certificate Holders from Other States. This Executive Order:

- Permits any person who holds a valid, unexpired license issued by another state to engage in activities authorized under that license without first obtaining a license in Maryland, but only:
 - During the state of emergency;
 - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland; and
 - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.

What does this mean?

- Valid, unexpired licensees and certificate holders from other states, including registered nurses (RNs), licensed practical nurses (LPNs), advanced practice registered nurses (APRNs), certified nursing assistants (CNAs), geriatric nursing assistants (GNAs), certified medication technicians (CMTs), certified medicine aides (CMAs), can work at health care facilities in Maryland during the state of emergency without first obtaining a Maryland license/certificate.
- **NOTE:** Out-of-State certificate holders (CNAs, GNAs, CMTs, and CMAs) must apply for a temporary practice certificate within 10 days after first working at a health care facility in Maryland under the Executive Order. Once issued, the temporary certificate will not expire until the state of emergency is terminated.
- **NOTE:** Nothing in the Executive Order impacts the ability of an RN or LPN who has an active multistate license under the Nurse Licensure Compact from continuing to practice in Maryland under his/her multistate licensure privilege. The restrictions in the Executive Order related to the location and conditions of practice (*i.e.*, only during state of emergency, only at a health care facility, and only if necessary to maintain staffing ratios or safe delivery of care) do not apply to a registered nurse or licensed practical nurse working in Maryland on a multistate privilege.

Board action taken for RNs and LPNs from Other States

- The Board suspended the 30-day limitation in COMAR 10.27.01.03.A.(3) that permits RNs and LPNs who hold a current active license in any other state or jurisdiction to render nursing care in Maryland during an emergency situation. The 30-day limitation is suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- Any RN or LPN who holds a current active license in any other state or jurisdiction may render nursing care in Maryland until the state of emergency is terminated, and can do so outside of the specific limitations regarding setting (*i.e.*, a "health care facility") and conditions (*i.e.*, only if necessary to maintain staffing ratios or safe delivery of care) that are imposed in the March 16th Executive Order. If the licensee practices outside of those settings, though, he/she must practice **ONLY** within the scope of their current license.

Inactive Licensees. This Executive Order also:

- Permits inactive Maryland licensees to engage in activities that would have been authorized under that active license without first reactivating the inactive license, but only:
 - During the state of emergency;
 - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland;
 - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services;
 - If the person could not reasonably reactivate the inactive license in sufficient time to meet the needs of the health care facility; and
 - If qualified supervisory personnel at the health care facility reasonably conclude that the inactive practitioner can competently engage in such activities.

What does this mean?

- An inactive Maryland licensee may begin practicing immediately in health care facilities in Maryland during the state of emergency without first reactivating that inactive license, **but only if all of the conditions set forth in the Executive Order are met.**
- **NOTE:** While the Executive Order allows inactive licensees to start working in health care facilities in Maryland immediately, provided all the conditions in the Executive Order are met, it does NOT suspend the requirement to apply for reactivation of the inactive license when time reasonably permits.

Board action taken for Inactive Licensees

- Inactive Maryland RN and LPN licensees must apply to the Board for reactivation of the license, but will not be required to meet the minimum qualifications under § 8-309(d)(1)(i) of the Health Occupations Article, Annotated Code of Maryland ("Health Occ.") or COMAR 10.27.01.14.C.(1) and (2)(b) for reactivation of the license:
 - a. During the state of emergency and catastrophic health emergency;
 - b. While working at a health care facility in Maryland; and
 - c. If the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.
- **SPECIAL NOTE REGARDING MEDICAL INACTIVE:** Inactive RN and LPN licensees who were placed on inactive status under Health Occ., § 8-309(b)(1)(iii) because of a medical condition that prevented the licensee from practicing as an RN or LPN will still be required to provide documentation with their reactivation application that the medical condition for which the inactive status was granted no longer exists.

What does this mean?

- Inactive RN and LPN licensees who are working in health care facilities in Maryland under the conditions set forth in the March 16th Executive Order need only submit an application for

reactivation of their inactive license to the Board (as time permits). During the state of emergency, these individuals will not be required to meet the minimum qualifications for reactivation of their inactive licenses, and the Board will expedite processing of their reactivation applications.

Engaging in Activities Not Authorized by a License. The Executive Order also:

- Permits a health care practitioner to engage in activities that are not authorized by his/her license, *i.e.*, beyond the licensee's authorized scope of practice, but only:
 - During the state of emergency;
 - At a health care facility in Maryland, as defined under Section 19-114(d) of the Health-General Article, Annotated Code of Maryland;
 - If doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services;
 - If qualified supervisory personnel at the health care facility reasonably conclude that the health care practitioner can competently engage in the activity; and
 - If qualified supervisory personnel reasonably supervise the health care practitioner while he/she is engaged in the activity.

What does this mean?

- A licensed/certified health care practitioner may engage in activities that are normally outside the authorized scope of his/her practice, ***but only if all of the conditions in the Executive Order are met.***

Board action taken for Nursing Graduates

- A Nursing Graduate (a graduate of a Board-approved nursing or licensed practical nursing education program, or an out-of-State nursing education program determined to be equivalent by the Board) may practice nursing without a license in Maryland, in accordance with the requirements under COMAR 10.27.01.03.C.(3)-(7), for the duration of the state of emergency and catastrophic health emergency. The Board has suspended the effect of COMAR 10.27.01.03.C.(2) (which limits the amount of time a Nursing Graduate may practice nursing in Maryland before being licensed) until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- Nursing Graduates may begin or continue practicing nursing in Maryland, under the limitations in COMAR 10.27.01.03.C.(3)-(7), until the state of emergency is terminated. The Board has temporarily suspended the limitations in COMAR 10.27.01.03.C.(2) on how long a Nursing Graduate may practice before being licensed.

Board action taken for RN and LPN delegation of nursing tasks to unlicensed persons

- RNs and LPNs may delegate nursing tasks to unlicensed individuals, in accordance with the requirements under COMAR 10.27.11.01-.06, for the duration of the state of emergency and

catastrophic health emergency. The Board has suspended the effect of Health Occ., § 8-6A-02(c) and COMAR 10.27.11.01.G and 10.27.11.05.E (which prohibit delegation of nursing tasks to an unlicensed individual if acceptance of delegated nursing tasks becomes a routine part of the unlicensed individual's job duties) until the state of emergency is terminated and the catastrophic health emergency is rescinded.

What does this mean?

- RNs and LPNs may delegate nursing tasks to unlicensed individuals as a routine part of the unlicensed individual's job duties during the state of emergency. The delegating nurse must comply with all other limitations regarding delegation under COMAR 10.27.11.01-.06, other than the provisions that are specifically suspended by the Board's action.

Board action taken to lengthen time for delegating nurse case managers to do on-site visits

- The Board modified the language in COMAR 10.27.11.04.C requiring a delegating nurse case manager to perform a supervisory on-site visit to the client from every 45 days to every 60 days during the state of emergency. This modification shall end upon termination of the state of emergency and catastrophic health emergency.

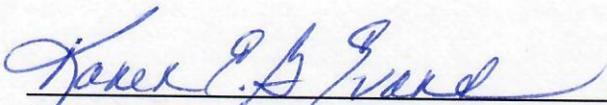
What does this mean?

- A delegating nurse case manager may extend the period between on-site client visits to 60 days during the state of emergency.

The Board hopes that these actions, combined with the actions taken by Governor Hogan in his Executive Orders will expand and reinforce nursing workforce capacity in Maryland throughout the COVID-19 state of emergency. Please check the Board's website frequently for updated information and breaking news.



Gary Hicks, MS, RN, CEN, CNE
President
Maryland State Board of Nursing



Karen E.B. Evans, MSN, RN-BC, SD-CLTC, CLC
Executive Director
Maryland Board of Nursing